## IN THE UNITED STATES DISTRICT COURT

## FOR THE EASTERN DISTRICT OF TEXAS

## TYLER DIVISION

CHARLES ELLIS SHIRLEY	§	
VS.	<b>§</b>	CIVIL ACTION NO. 6:10cv348
SHERIFF, HENDERSON COUNTY	§	

## ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The above-entitled and numbered petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the Petitioner's motion for sanctions (docket entry #9), construed as a motion for temporary restraining order/preliminary injunction, should be denied. The Petitioner has filed objections.

The Report of the Magistrate Judge, which contains her recommendation for the denial of such motion, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Petitioner are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Petitioner's motion for sanctions (docket entry #9), construed as a motion for temporary restraining order/preliminary injunction, is **DENIED**.

SIGNED this 2nd day of September, 2010.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE

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